

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

Please amend claim 1 and add new claims 18-20 as follows:

1. (currently amended): A semiconductor device comprising:
  - a first dielectric layer formed on a substrate;
  - a second dielectric layer formed on the first dielectric layer;
  - a stud formed through the first and second dielectric layers;
  - a third dielectric layer on the second dielectric layer having an opening above a top of the stud and being spaced apart from the stud formed over a top of the stud; and
  - a first pad of first etch stop material formed in an undermined region of the second dielectric layer below a portion of a lower surface of the third dielectric layer and above a portion of an upper surface of the first dielectric layer, the undermined region being formed remaining after removal of a portion of the second dielectric layer.
2. (canceled)
3. (original): The semiconductor device of claim 1 further comprising:
  - a first circuit region formed in the first dielectric layer, the first circuit region including the stud; and
  - a second circuit region formed in the first dielectric layer, the second circuit region including at least one conductive line and at least one spacer on a sidewall of the conductive line, the spacer being made of the same material as the first pad of the first etch stop material.

4. (original): The semiconductor device of claim 1 wherein the third dielectric layer and the first etch stop material are the same material.
5. (original): The semiconductor device of claim 1 further comprising a second pad of a second etch stop material formed over the top surface of the stud and the first pad of the first etch stop material, the second pad of the second etch stop material being selectively patterned to cover only an area of the semiconductor device that includes the stud.
6. (original): The semiconductor device of claim 5 wherein the third dielectric layer, and the first and second etch stop materials are the same material.
7. (original): The semiconductor device of claim 1 further comprising:
  - a first circuit region formed in the first dielectric layer, the first circuit region including the stud; and
  - a second circuit region formed in the first dielectric layer, the second circuit region including at least one conductive line and at least one spacer on a sidewall of the conductive line, the spacer being made of the same material as the first pad of the first etch stop material, whereby the spacers and the first pad are formed simultaneously.
8. (original): The semiconductor device of claim 1 wherein the third dielectric layer has an etch selectivity with respect to the second dielectric layer.
9. (original): The semiconductor device of claim 1 wherein the third dielectric layer comprises etch stop material.
10. - 17. (Canceled)

18. (new) The semiconductor device of claim 1 wherein the first pad further comprises stud hole spacers on a side wall of the opening in the third dielectric layer above the stud.
19. (new) The semiconductor device of claim 18 wherein a lower portion of the stud hole spacers contact a perimeter of the top of the stud.
20. (new) The semiconductor device of claim 18 wherein the stud hole spacers are formed of the first etch stop material.